



ADMINISTRATIVE HEARINGS

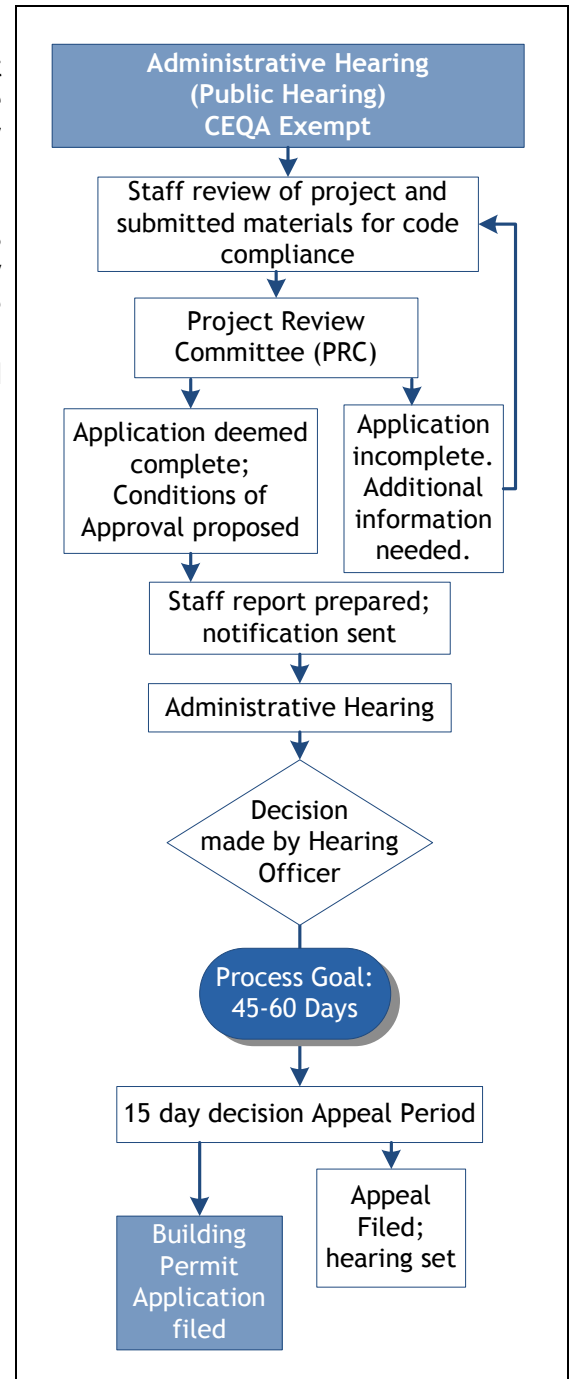
Some projects require a public hearing, which allows a higher level of review and more public input on the proposed application. The following information provides a brief overview of the Administrative Hearing process. It is recommended that applicants consult Sunnyvale Municipal Code Title 19 for allowed uses and speak with a planner.

ADMINISTRATIVE HEARINGS

An Administrative Hearing is required for smaller projects that are not associated with a larger project proposal and are categorically exempt under the California Environmental Quality Act (CEQA).

Administrative Hearings are held twice a month on Wednesday's at 2 p.m. Projects requiring an Administrative Hearing typically take 45 to 60 days to process. Projects types that may be reviewed through an Administrative Hearing generally include, but not limited to, the following (see §19.88.020 and 19.90.020):

- Minor Use Permits or Minor Special Development Permits
 - New restaurants, tutoring centers, karate and dance studios or community centers
 - Fences higher than 7 feet
 - New telecommunications facilities
 - Unenclosed accessory uses when connected to a permitted use
 - Large Family Day care centers
 - Waiver of utility undergrounding requirements
 - Automotive service stations adding the sale of groceries
 - Multiple residential use of a landmark or in a landmark district
 - Change in use of any landmark or in a landmark district
 - Automotive service stations adding the sale of groceries
- Variances
- Parcel Maps



USE PERMITS (UP)

A Use Permit (UP) allows the City to review the proposed use or development and determine whether the location is appropriate for that type of activity. Conditions may be placed on the property or use to enhance the project or reduce effects on surrounding properties.

SPECIAL DEVELOPMENT PERMITS (SDP)

A Special Development Permit (SDP) has similar goals as a Use Permit, but is used to review use or development design within any zoning district that has a unique combining district such as Planned Development (PD) or El Camino Real (ECR). The purpose of these combining districts is to allow greater flexibility of land use or design on a property, adding greater diversity to the City. An SDP may allow the property owner greater flexibility in the dimensional requirements of a project in exchange for superior design features.

FINDINGS FOR UPS AND SDPs

One of two possible findings need to be made in order to approve either a Use Permit or Special Development Permit:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale, or
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

VARIANCE

All land in Sunnyvale is classified by zoning district, which determines the specific development requirements, such as setbacks, building height, parking, and landscaping. A Variance is an application that allows the City to consider deviations from certain zoning code requirements of subject zoning districts. **NOTE:** Variances **cannot** be granted from use restrictions, residential density maximums, sign requirements (except sign height), and stormwater management practices.

Variance applications require a public hearing, which allows a higher level of review and more public input on the proposed application. Variances are only approved if certain findings can be made. Primarily, these findings require exceptional or unique conditions that make the zoning code requirements unreasonable. Variance approvals are intended to be difficult to receive to ensure code requirements remain relevant.

FINDINGS FOR VARIANCES

In order to grant a Variance, the decision-maker must make all three of the following findings:

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district, and
2. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property, improvements, or uses within the immediate vicinity and within the same zoning district, and
3. Upon granting of the variance, the intent and purpose of the ordinance will still be served and the recipient of the variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.